

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2019-387-A

IN RE:

Rulemaking Proceeding for the Purpose of Promulgating)
A Regulation to Help Prevent the Potential for Misleading)
Advertisements by Prohibiting the Sale of Customer Data)
By Regulated Utilities Absent a Customer's Direct)
Consent (See Commission Order No. 2019-877))
_____)

TESTIMONY OF BRYAN D. STONE

1 Q. Please state your name, business address, and occupation.

2 A. My name is Bryan D. Stone. I am President of Lockhart Power Company ("Lockhart" or
3 the "Company"). My business address is PO Box 10, 420 River Street, Lockhart, South
4 Carolina 29364.

5 Q. Please describe your professional background.

6 A. I have been the head of Lockhart Power Company for 16 years. Prior to that, I worked for
7 16 years in the heavy manufacturing industry, with responsibilities in engineering,
8 maintenance, and power management for very large retail industrial load customers and
9 renewable energy generators.

10 Q. Please provide a brief background of this proceeding.

11 A. The Commission opened this docket in December 2019 for the purpose of promulgating a
12 regulation to help prevent the potential for misleading advertisements by prohibiting the sale
13 of customer data by regulated utilities absent a customer's direct consent. Subsequently,
14 the Commission promulgated Regulation 103-823.2, which became effective on May 28,
15 2021. Among other things, the regulation required certain regulated utilities to develop

16 guidelines for implementing the regulation and to file them with the Commission for
17 approval not later than November 24, 2021. Lockhart filed its “Customer Data Privacy
18 Guidelines” (the “Guidelines”) with the Commission on November 23, 2021. A copy of the
19 Guidelines is attached hereto as “Exhibit A.”

20 Q. What is Lockhart requesting that the Commission do in this proceeding?

21 A. Lockhart respectfully requests that the Commission approve Lockhart’s Customer Data
22 Privacy Guidelines.

23 Q. Please describe Lockhart’s overall policy and procedures for protecting customer data.

24 A. First and foremost, Lockhart does not sell customer data, which we understand was the
25 initial concern that led the Commission to open this docket. The Company has never and
26 does not intend to provide customer information to any entity other than its third-party
27 partners who are contracted to provide essential services to the Company in the operation
28 of its normal business activities, as permitted by Reg. 103-823.2(F). Lockhart understands
29 that strong consumer data privacy protections are essential to maintaining the trust of our
30 customers, and the Company is committed to protecting the security and privacy of all
31 customer data. Lockhart makes every effort to protect customer information through the
32 security of its computer system, Payment Card Industry (“PCI”) compliance, training of its
33 employees, and any other ways the Company identifies that are pertinent to its operations.

34 Q. Please describe Lockhart’s Customer Data Privacy Guidelines.

35 A. The policies and procedures detailed in the attached Guidelines are not new to the Company.
36 They represent Lockhart’s current and historic processes and procedures for protecting the
37 privacy of customer data. The only differences are that (1) the Guidelines are now presented
38 in written form, as required by Reg. 103-823.2, and (2) Lockhart proposes to provide its
39 customers with an annual Customer Rights Statement, attached to the Guidelines as

40 “Attachment 1,” to explain the Company’s policies and procedures to customers, as
41 contemplated by Reg. 103-823.2(H)(2)(a).

42 Q. Is approval of Lockhart’s Guidelines in the public interest?

43 Yes. Lockhart’s Guidelines address each of the required items included in Reg. 103-
44 823.2(H)(2). We believe Lockhart’s policies and procedures, as set forth in the Company’s
45 Guidelines, are appropriate and adequate to protect the privacy of customer data, especially
46 given the fact that Lockhart has not ever sold and does not intend to sell customer data. We
47 respectfully request that the Commission approve Lockhart’s Customer Data Privacy
48 Protections Guidelines as filed with the Commission on November 23, 2021, and attached
49 hereto as Exhibit A.

50 Q. Does that conclude your testimony?

51 A. Yes.

52

Exhibit A

**Customer Data
Privacy
Guidelines for
Lockhart Power
Company**

Overview

Strong consumer data privacy protections are essential to maintaining the trust of our customers. We understand the importance of protecting the personal information we collect from the public. This document is intended to help Lockhart Power Company (the “Company” or “Lockhart Power”) emphasize its commitment to protect customer data from unauthorized disclosure or breach of security throughout the lifecycle of the data.

Customer information is collected and used to perform essential business functions such as operating and maintaining the customer accounting system, managing outages, processing customer bills, performing credit checks and collections, energy conservation, usage management, etc. With the implementation of automated metering, even more detailed customer data is now being collected. Lockhart Power is committed to protecting the security and privacy of all customer data, and to conform to applicable laws and regulations.

Lockhart Power’s data privacy guidelines address each of the areas of concern outlined by the Public Service Commission of South Carolina in Regulation 103-823.2. Protection of Customer Data, Section (H)(2).

Customer Notice and Awareness

On an annual basis, Lockhart Power will provide its customers with the Company’s Customer Rights Statement (See Attachment 1) via a mailing to explain policies and procedures. The Company will also inform its customers that the statement is available on the Company’s website.

Customer Choice and Consent

Lockhart Power does not sell customer data or provide customer information to anyone other than the third-party partners with which it has contracted services. Customers can request access to their personal information being stored by the Company to verify the information is accurate. If Lockhart Power were to ever decide to use customer information in any other way, the customers would be notified in advance and have the option to prevent their information from being provided to another entity.

Customer Data Access

Lockhart Power collects and uses customer data only to perform essential business operations. In using this data, Lockhart Power will conform to applicable laws and regulations intended to keep this information private and secure. The Company and its third-party partner who collects customer payments online and by telephonic methods on behalf of the Company are both Payment Card Industry (“PCI”) compliant and have their systems tested on a regular basis to confirm their systems remain compliant in the protection of customer data. If a situation were

to occur where a customer either requests non-standard information or makes a request in a non-standard format, Lockhart Power will first verify the validity of the request with the customer as well as verify the purpose for the request before making every effort to provide the requested information to the customer.

Data Quality and Security Procedures and Measures

Lockhart Power makes every effort to protect the personal data of its customers. The security of its computer network, customer payment options, and manual documents are of the utmost importance. The computer system is protected by firewalls and other pertinent security equipment to keep customer information safe. These security devices are tested on a regular basis and are monitored to be certain a breach has not occurred. The customer payment option is PCI compliant both at Lockhart Power as well as the third-party partner contracted to provide this service. Manual documents are kept securely within the Company's campus in locked storage away from public access.

Public Utility Accountability and Auditing

Lockhart Power employees are trained annually on the need to protect customer information. The Red Flag policies are reviewed with the applicable staff members annually. In addition, the overall data security program and the importance of protecting customer data are discussed and evaluated on a regular basis during departmental meetings. If a breach of customer data were to occur, the Company would inform all affected customers and any other applicable entities to make sure everyone involved is informed and the proper remediation actions are taken.

Frequency of Notice to Customers

Lockhart Power will provide customers the Customer Rights Statement at the time the customer starts service with the Company, and it will update all customers on an annual basis.

Due Diligence Exercised by Utility When Sharing Customer Data with Third Parties

Lockhart Power will complete its due diligence in selecting third-party partners to ensure the third party has privacy policies and practices that align with those of the Company. Whether it be through measures such as PCI compliance, the use of non-disclosure agreements, etc., the Company will make every attempt to ensure its third-party partners will protect its customers' information.

Attachment 1 – Lockhart Power Company’s Customer Rights Statement

Customer Rights Statement

Our Customer Rights Statement shares our guiding principles for how we operate and conduct our business related to the security, privacy, and use of customer data, and matters of customer choice. Consumer trust is essential to the success of new technologies, and protecting the privacy of customer data is one crucial component of strengthening this trust.

Lockhart Power collects and uses customer data to perform essential business operations such as operating and maintaining the customer accounting system, managing outages and processing customer bills. In using this data, Lockhart Power will conform to applicable laws and regulations intended to keep this information private and secure.

Moreover, Lockhart Power recognizes its responsibilities may appropriately extend beyond these laws and regulations and as such has developed this Customer Rights Statement.

Lockhart Power customers have the right to:

- Privacy
 - We will never sell our customer’s information. We only share customer information with third parties to conduct essential business functions. Our third-party partners are held accountable to the same standards regarding customer information shared with them.
 - We only share or disclose customer information with the public in compliance with local, state, and federal laws. As a public utility, we will seek to protect the privacy of our customers’ personal information when complying with public records requests.
 - We are committed to a fair resolution of privacy concerns.
- Data Security & Integrity
 - We only capture data required to conduct our business and retain it only as needed.
 - We design security into data collection, access, and transfer points.
 - We implement measures to protect against a loss, misuse, or alteration of the information we control.
 - We ensure delivery of an accurate bill and/or timely response if an error is discovered.
- Transparency
 - We conduct business in an open, transparent manner where our privacy policies and decisions are available to the public.
 - We provide information to our customers about all aspects of their account.